

**PATENT****Attorney Docket No. 11034US02 / 100-248.P1**

#3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Beamer, et al.

Serial No.: 09/446,415

Filed: June 22, 1998

For: BACTERICIDAL/PERMEABILITY-  
 INCREASING PROTEIN:  
 CRYSTALLIZATION, X-RAY  
 DIFFRACTION, THREE-  
 DIMENSIONAL STRUCTURE  
 DETERMINATION, RATIONAL  
 DRUG DESIGN AND MOLECULAR  
 MODELING OF RELATED  
 PROTEINS

Examiner: Not yet assigned

Group Art Unit: Unknown

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, under 37 C.F.R. §1.8, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 17, 2000.

Janet M. McNicholas

Janet M. McNicholas, Ph.D.  
 Registration No. 32,918

**TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
 Box PCT  
 Washington, D.C. 20231

Dear Sir:

Transmitted herewith for appropriate action are the following:

1. A Response to the Notice of Missing Requirements dated February 25, 2000;
2. A copy of the Notice of Missing Requirements;
3. Check in the amount of \$65.00 for surcharge;
4. Executed Declarations for Patent Application and Power of Attorney;
5. Petition for Four-Month Extension of Time;

07/21/2000 ERIMANDO 00000068 09446415

01 FC:210

680.00 00

02 FC:254

65.00 00

- 1 -

6. Check in the amount of \$680.00 to cover fee for extension;
7. One return postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

Dated: July 17, 2000

Janet M. McNicholas

Janet M. McNicholas, Ph.D.  
Registration No. 32,918

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

**PATENT**  
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*Janet M. McNicholas*

Janet M. McNicholas, Ph.D.  
Registration No. 32,918

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

Sir:

This is in response to the Notification of Missing Requirements ("Notification") dated February 25, 2000 in the above-identified application. This response is timely filed, as a petition for a four-month extension of time with the requisite fee is filed herewith.

In the Notification, the oath or declaration was identified as missing. Enclosed for filing herewith are original Declarations for Patent Application and Power of Attorney executed by each of the inventors.

The Notification also indicates that the surcharge related to the Notice of Missing Parts under 37 CFR §1.492(e) of \$65.00 for a small entity is due. A check for \$65.00 is enclosed.

The Commissioner is hereby authorized to charge Account No. 13-0017 (McAndrews, Held & Malloy) for any fee deficiency, or credit any overpayment.

Respectfully submitted,

Dated: July 17, 2000

  
Janet M. McNicholas, Ph.D.  
Registration No. 32,918

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

RECEIVED  
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By \_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/446415	BEAMER	L 11034US02 /
INTERNATIONAL APPLICATION NO.		
PCT/US98/13007		
I.A. FILING DATE	PRIORITY DATE	
22 JUN 98	20 JUN 97	
DATE MAILED: <b>25 FEB 2000</b>		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

- The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
  - a Designated Office (37 CFR 1.494),
  - an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.
  - Copy of the international application in:
    - a non-English language.
    - English.
  - Translation of the international application into English.
  - Oath or Declaration of inventors(s) for DO/EO/US.
  - Copy of Article 19 amendments.
  - Translation of Article 19 amendments into English.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
  - Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
  - Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
  - Assignment document.
  - Power of Attorney and/or Change of Address.
  - Substitute specification filed \_\_\_\_\_.
  - Verified Statement Claiming Small Entity Status.
  - Priority Document.
  - Copy of the International Search Report  and copies of the references cited therein.
  - Other: DNA DISKETTE , 306
- The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
- Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

- PCT/DO/EO/917
- PTO-875

- Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

**FREDERICK SMITH**

Telephone: 703-305-3654